

REMARKS

Claim 1 calls for analyzing received content. It calls for analyzing that received content to identify a location to insert the advertisement. Thus, the analysis must be an analysis of the content and it must be an analysis to identify a location to insert the advertisement within the content. Thus, you would have to review the content to decide where within the content to insert the advertisement.

In the relied upon material in Arsenault, in column 18, it is indicated that, based on the intended use of additional material in advertising for playback of cache program 170, the "CPU 74 organizes and retrieves respective data packets from the additional cache memory 92 (shown in Fig. 3) in appropriate order." There is no interruption at all in Arsenault, but, instead, data packets, like packets 170a and 170b, are integral units between which is placed an ad 174a, as shown in Figure 8. Thus, there is no inserting of advertisements within the content, but, instead, the advertisements are inserted between discrete content.

Moreover, there is no analysis of each of the discrete content segments, such as the segment 170a or 170b to determine a location to insert the advertisement. The advertisement is simply played or not played at the end of a discrete segment. For example, as explained in column 18, lines 1-20, a cached program 170 is divided into multiple segments 170a-170c and additional material segments 172a and 172b are interspersed "between them." All that is done is that the CPU organizes and retrieves the data packets from the memory 92 "in appropriate order." This suggests that discrete packets are simply ordered, not that a decision is made to analyze the content to identify a location to insert an advertisement.

In other words, the difference is that the computer decides how to organize the packets as discrete units and then simply provides the advertisements between those reorganized content sections. In contrast, the claimed invention calls for inserting the advertisement in the content and, further, analyzing the content to decide where to put the advertisement in. There is no analysis of the content explained in column 18 of the reference to determine where to insert advertisements. Instead, there is simply some listing that is done of individual packets that are put in a particular order where the packets include both content and advertising. This does not mean that there was any analysis of the content to identify a location to insert the advertisement.

Instead, it is equally plausible, if not more so, that all that was done is that a set member of content packets are provided so that ads 174a are provided at appropriate times or appropriate intervals, as shown at 164 in Figure 8 or 168 in Figure 8. There is nothing to suggest that any content is analyzed or that advertisements are inserted within the content based on analysis of that content.

As an example, one could analyze the content to determine the best time to break the content with an advertisement. The reference does not do that. All we know is that it takes a series of data packets, concatenates them, and at intervals provides advertisements between them. What is shown in Figure 8 appears to indicate that ads are placed at very regular intervals, suggesting a time based system, not a content analysis system. The time based system could cause the ads to appear at particular times or at particular intervals that are believed to be advantageous. Such a system has nothing to do with analysis of the content to identify locations for inserting the advertisements, but simply depends on extraneous factors, such as time interval or actual time.

As still another option, showing that the reference does not inherently do what is claimed, the order of playback may be predetermined by another entity. Then all the CPU does is provide the segments in the predetermined order. There is no reason to believe that anyone analyzes the content to decide where the advertisement should go within the content. Instead, someone simply provided a sequence and that sequence is followed at the CPU.

Thus, there is no reason to believe that inherently the reference teaches analyzing the content to decide where to insert the advertisement. Instead, there is every reason to expect that this was not done, since nothing of the sort is intimated by the cited reference.

Therefore, reconsideration is requested.

Continued deferral of the double patenting rejection is again requested, until such time as the other application is indicated to be allowable.

Respectfully submitted,

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